IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2114 OF 2006

Changdev Ganpat Kashid. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr.S.R.Chitnis Str.Advocate i/by Mr.V.V.Purwant for the Applicant.

Ms. S.V. Gajare,APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 23/6/2006.

P.C.

1. This is an application for grant of anticipatory bail. The applicant is shown as an accused in C.R.No.36/2006 registered by Valsang Police Station Solapur for offences punishable under Section 302,307, 341,147,148,149 and 506 (Part-II) of the I.P.C. The deceased is the person by name Annama Patil. The incident in question took place on 30.4.2006 at Shirpanhalli, South Solapur at about 10.00p.m. There are statements of two eye witnesses recorded by the police. Both these statements are annexed to the affidavit in reply. Two eye witnesses are Virpaksha Ganpati Patil and Madivalappa Pandit Patil. I have perused their statements. They indicate that several accused persons armed with dangerous weapons have assaulted the deceased as well as two other injured persons. The admitted position is that as far as

present applicant is concerned, he said to have been present there in the crowd. No role is attributed against the present applicant. There is, thus, no question of any recovery as against the present applicant. The applicant has also taken the plea of alibi and contended that he was not even present in the crowd but was in fact in the Village Chiplun to attend some religious ceremonies. The police have recorded the statements of some persons from Chiplun as well as obtained the certificate from a Doctor in Chiplun. At this stage, I am not making any comments upon the plea of alibi and it has to be proved at the time of trial. But taking into account that there is no overt act or weapon carried by the applicant and he has not participated in the offence, I am inclined to grant anticipatory bail to the applicant. It is therefore, directed that in the event of arrest, in connection with C.R.No.35/2006 registered by Valsang Police Station, Solapur, the applicant may be released on bail in the sum of Rs.25,000/- with one surety in the like amount subject to the condition that he should report to the Investigating Officer once in a week on every Monday till the charge sheet is filed and thereafter, twice in a month on every first and third Mondays till the disposal of the trial.

2. Application is disposed of.

(R. S. MOHITE, J.)